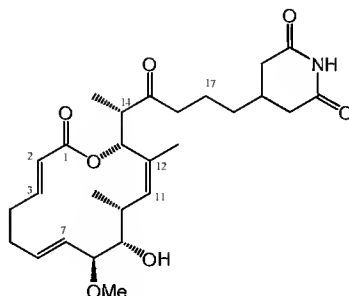


## REMARKS

The claims pending in the Application after entry of the present Amendment will be claims 1-62.

### I. Rejection under 35 U.S.C. §102(b)

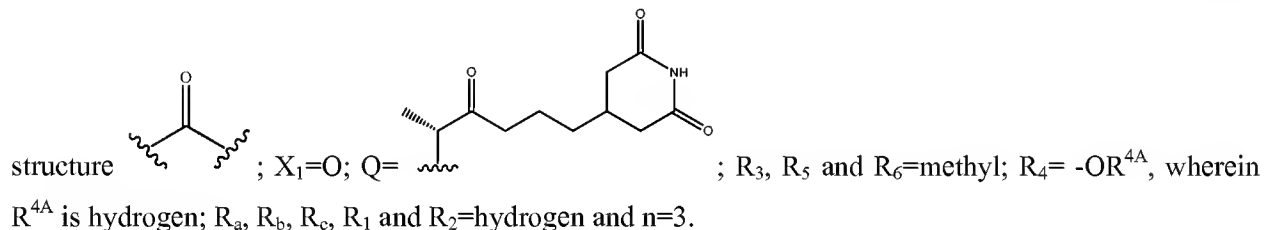
Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Takeuchi et al. (Caplus abstract of WO2001/046451; accession number 2001:472958). Specifically, the compound of Takeuchi et al. has the following structure:



**Migrastatin**

and corresponds to a compound of Applicants' claim 1 when:

$Y_1$  and  $Y_2$  together with the carbon atom to which they are attached form a moiety having the



In order to expedite prosecution, Applicants amend claim 1 such that the rejection under 35 U.S.C. §102(b) is rendered moot. Specifically, Applicants amend claim 1 such that the genus of compounds encompassed within the claimed pharmaceutical compositions cannot be migrastatin. Applicants respectfully request that the rejection under 25 U.S.C. §102(b) as being anticipated by Takeuchi et al. be withdrawn. Accordingly, Applicants submit that claim 1 as amended is patentable, and allowable, thereby rendering all pending claims patentable and allowable by virtue of their dependency on claim 1.

II. **Discussion of Election/Restriction and Claim Objections**

The Office Action (page 2, para. 1) indicates that claims 1-12, 14, 16-20, 27, 30 and 41-62 in part, and claims 13, 15, 21-26, 28-29 and 31-40 in their entirety are deemed to be withdrawn. Additionally, the Office Action (page 3) indicates that Claims 1-12, 14, 16-20, 27, 30 and 41-62 are objected to for reading on non-elected subject matter.

Pursuant to MPEP §821.04:

“The propriety of a restriction requirement should be considered when all the claims directed to the elected invention are in condition for allowance, and the non-elected invention(s) should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits.”

Applicants submit that because claim 1 (i.e., the elected invention) as amended is now in condition for allowance, all dependent claims (i.e., the non-elected invention) therefrom are also patentable and allowable. Applicants respectfully request that the claims deemed as part of the non-elected (i.e., claims 1-12, 14, 16-20, 27, 30 and 41-62) invention are now appropriate subject matter for rejoinder. Therefore, Applicants respectfully request that examination on the merits proceed accordingly.

To facilitate Applicant's request for examination via rejoinder, Applicants have utilized the claim identifiers “Currently Amended”, “Previously Presented” and “Original” in the section “Amendments to the Claims”, rather than using the claim identifier “Withdrawn.”

Applicants invite the Examiner to contact the undersigned, Julie Anne Knight, at (617) 248-5227 with any questions pertaining to the above-identified application in order to expedite prosecution of this case.

Respectfully submitted,

Dated: February 26, 2008

/Julie Anne Knight/  
Julie Anne Knight  
Reg. No. 48,867

PATENT GROUP  
CHOATE, HALL & STEWART  
Two International Place  
Boston, MA 02110  
Tel: (617) 248-5227  
Fax: (617) 248-4000  
[jknight@choate.com](mailto:jknight@choate.com)